

03500.015094.



IFW DAC
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YUICHI HIGUCHI)
Application No.: 09/774,694)
Filed: February 1, 2001)
For: CLIENT-SERVER AND DEVICE,)
INFORMATION PROCESSING)
METHOD, PROGRAM AND)
MEMORY MEDIUM)
Examiner: L. T. Jacobs
Art Unit: 2157
Conf. No. 3090
August 29, 2005

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.137(a) TO
REVIVE UNAVOIDABLY ABANDONED APPLICATION

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.137(a) to restore to pending status the above-identified application, which became abandoned for failure to timely reply to a final Office Action dated January 18, 2006.

The Office Action was addressed to "Fitzpatrick Cella Harper & Scinto" (Applicant's attorneys' office) but was never received by Applicant's attorneys, and this case was unavoidably abandoned. Applicant's attorneys became aware of the Office Action on or about July 19, 2006, when the Examiner telephoned them to find out whether a response had been filed. Based on a review of the file jacket of this application, and of the relevant docketing records (identified in detail in the attached Declaration of Mark

09/01/2006 SDENB081 00000000 061235 0977469
01 FC:1452 500.00 DA

The PTO did not receive the following
listed item(s) *Cheek # 500.00*

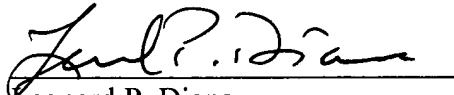
Chanderdatt), Applicant's undersigned attorney states that the Office Action dated January 18, 2006, was never received by his firm.

In conformity with 37 C.F.R. §1.137(a)(1), the undersigned hereby certifies that the entire delay in filing the required reply from the due date of the reply until the filing of this grantable petition was unavoidable. Enclosed is a check in the amount of \$500.00 for payment of the petition fee required under 37 C.F.R. § 1.17(l), and any additional fees required to process this Petition and the accompanying papers should be charged to Deposit Account No. 06-1205.

In view of the foregoing, the Commissioner is respectfully requested to return the above-identified application to pending status, and to re-mail the Office Action in question.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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	:	Art Unit: 2157
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	:	Conf. No.: 3090
Filed: February 1, 2001)	
	:	
For: CLIENT-SERVER AND DEVICE,)	
INFORMATION PROCESSING	:	
METHOD, PROGRAM AND)	August 25, 2006
MEMORY MEDIUM	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MARK CHANDERDATT

Sir:

I, the undersigned MARK CHANDERDATT, declare and say that:

1. I am the docketing supervisor at the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), 30 Rockefeller Plaza, New York, New York 10112, and have been with the firm for over 9 years.

2. It is our firm's normal practice to keep a record of all documents received from the U.S. Patent and Trademark Office ("PTO") requiring a response within a specified period, i.e., all documents having a "due date." I have personally reviewed our firm's docketing records for responses due on April 18, 2006, for Office Actions dated January 18,

2006, and our firm's records indicate that no Office Action was received from the PTO for Application No. 09/774,694 with a mailing date of January 18, 2006.

3. More specifically, I have reviewed our firm's master docket record and manual docket record for responses due on April 18, 2006, and the records show that no response was due on that date for Application No. 09/774,694, which would correspond to an Office Action with a mailing date of January 18, 2006. Attached, as Exhibit A, are copies of the relevant portions of our firm's master docket record and manual docket record for April 18, 2006, listing responses due on that date.

4. On the copies of the master docket record and manual docket record attached as Exhibit A, a portion of the serial numbers and the attorney docket numbers for listings other than for the subject patent application have been redacted. Information regarding the attorney assigned to each case has also been redacted. This has been done to prevent disclosure of confidential information irrelevant to the issues relating to the subject patent application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated 8-25-2006


Mark Chanderdatt

JUL 18 2006

USE DUE	ATTORNEY	SERIAL NUMBER	INVENTOR	NATURE OF RESPONSE DUE
11/8/06	✓	1264	Ext info on 11/8/07 (qaoa) per US email on 7/17/06	7/17/06
3.73(6) +	✓	112	Abandon 11/8/07 (qaoa) per US email on 7/17/06	7/17/06
09	✓	255	Ext to 11/8/07 per US email on 7/17/06	7/17/06
	✓	284	Ext to 11/8/07 per US email on 7/17/06	7/17/06
	✓	110	Ext to 11/8/07 per US email on 7/17/06	7/17/06
	✓	253	Ext to 11/8/07 per US email on 7/17/06	7/17/06
	✓	140	Ext to 11/8/07 per US email on 7/17/06	7/17/06
02	✓	226	Ext to 11/8/07 per US email on 7/17/06	7/17/06
of per.	✓	111	Ext to 11/8/07 per US email on 7/17/06	7/17/06
ca.	✓	1016	Ext to 11/8/07 per US email on 7/17/06	7/17/06
2	✓	146	Ext to 11/8/07 per US email on 7/17/06	7/17/06
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	✓	113	Ext to 11/8/07 per US email on 7/17/06	7/17/06
	✓	303	Ext to 11/8/07 per US email on 7/17/06	7/17/06
VVP	✓	285	Ext to 11/8/07 per US email on 7/17/06	7/17/06
7 per	✓	256	Ext to 11/8/07 per US email on 7/17/06	7/17/06
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JUL 18 2006

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	194	Kato	✓
	090	Amund + Relix + Smt 37CFR 3.73(c) +	✓
	488	Relix	✓
	158	RCG + Relix	✓
	444	Kumoyone	✓
	002	Relix	✓
	058	Amund	✓
	567	RCG + Relix	✓
	444	Issue Fee + Pub Fee by hand pu.	✓
	570	Kashida	✓
	940	RCG + Prelim	✓
	653	Jatome	✓
	686	Kw Nishu	✓
	773	RCG + Prelim	✓
	665	Amund	✓
	094	Issue Fee + Pub Fee by hand pu	✓
	313	Tayasawa	✓
	595	Amund + Relix	✓
	220	Relix	✓
	183	Issue Fee + Pub Fee + Comm. Allowance	✓
	039	RCG + Prelim	✓
	793	Amund	✓
	785	RCG + IDS w/ 2 fees by Council pu	✓
	182	Amund	✓
	765	Amund + Relix + IDS + NO drawings needed	✓
	548	Amund	✓
	098	Issue Fee + Pub Fee	✓
	479	Gerstel	✓
	617	Notice of Appeal	✓
	048	Amund	✓
	474	Issue Fee + Pub Fee by hand pu	✓
	250	Amund	✓
	995	RCG + Prelim	✓
	094	Issue Fee + Pub Fee + Comm. Allowance	✓
	244	Amund	✓
	100	Issue + Pub Fees + Change of Address	✓
	85	Amund + Relix	✓
	086	Amund	✓

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Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	385. #1762; NATL PHASE OF 04-19-2005	[REDACTED]	STATUS: CERTIFICATE OF CORRECTION 643 OF 020700; 1ST RCE 122903; PTA/LP=0; Country of Origin - JAPAN LastUpdate -	953
4/18/2006	385. #1762; NATL PHASE OF 04-19-2005	[REDACTED]	STATUS: CERTIFICATE OF CORRECTION 643 OF 020700; 1ST RCE 122903; PTA/LP=0; Country of Origin - JAPAN LastUpdate -	953
4/18/2006	948. IDS RECD W/APPLN; RCE + Prelim by hand pm [REDACTED] on 4/18/06 IPT 031606 - RCE w/PLN	[REDACTED]	Notice to Resubmit-Assignment Due	986
4/18/2006	940. FEDX 042803 - 2 P/DOCS; EST. to 5-18-06	[REDACTED]	FINAL 3 month Office Action initial deadline	953
4/18/2006	952. 1.53B DIV - PAR TO ISSUE; Client will to possibly abandoned this case per DFG (Keep pending for now) Amend A/E by hand pm [REDACTED] on 4/18/06	[REDACTED]	1 month restriction 4 month extension	100
4/18/2006	957. RCE + Prelim by Com. pm VLP on 4/18/06	[REDACTED]	FINAL 3 month Office Action initial deadline	984
4/18/2006	995. 1ST RCE SENT COM 062404; IPT 031606 - RCE W/PRELIM;	[REDACTED]	FINAL 3 month Office Action initial deadline	994

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Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	082	NO PLWGS needed by UTP on 4/18/06	Partial Drawing Due	384
4/18/2006	0473	LCE + Prelim by COM by UTP on 4/18/06	Final 3 month Office Action initial deadline	365
Remarks	1ST CPA 031703; 2ND RCE FILED 040705; PT 030806 - INSTR; NE - 05-10 5-18-06			
4/18/2006	0788	Amendment after final filed 031606;	Final 3 month Office Action initial deadline	344
Remarks				
4/18/2006	0657.1	Country of Origin - JAPAN Last Update - 05-25-2004	Expiry calculation 2	333
Remarks				
4/18/2006	0657.1	Country of Origin - JAPAN Last Update - 05-25-2004	Expiry date	333
Remarks	Amund H/F + Swain transl. by hand by JAB on 4/18/06 NO 311. 551. - 5-18-06 FLOPPY RECD W/APPLN; IPT 032306 - INSTR;			
4/18/2006	0619	2 month Office Action 3 month extension		005
Remarks	NO 211. 551. - 5-18-06 NO 211. 551. - 5-18-06			
4/18/2006	0770-PC	Response to First Written Opinion Due		387
Remarks	NO 211. 551. - 5-18-06 NO 211. 551. - 5-18-06			

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Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	770-PC	WS PC-BSM 4/17/06	PGT-Intl Prelim Exam Request	387
4/18/2006	Remarks			
4/18/2006	808.1	Country of Origin - JAPAN LastUpdate - 08-11-2004	Expiry date	792
4/18/2006	Remarks			
4/18/2006	808.1	Country of Origin - JAPAN LastUpdate - 08-11-2004	Expiry calculation 2	792
4/18/2006	Remarks			
4/18/2006	264.	(no drawings)	Power of attorney due to be filed	215
4/18/2006	Remarks			
4/18/2006	610.	(RRM) (BASED ON PVL APPLN) LastUpdate - 02-01-2005	Convention-Deadline	
4/18/2006	Remarks			
4/18/2006	610.	(RRM) (BASED ON PVL APPLN) LastUpdate - 02-01-2005	COMPLETE APPLICATION	
4/18/2006	Remarks			
4/18/2006	634.2	FEDX 091589 - IDS Country of Origin - JAPAN LastUpdate - 06-25-2004	Expiry date	425
4/18/2006	Remarks			
4/18/2006	634.2	FEDX 091589 - IDS Country of Origin - JAPAN LastUpdate - 06-25-2004	Expiry calculation 2	425
4/18/2006	Remarks			

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Due Date	Docket Number	Attorney	Action	Application No
4/18/2006	818. FLOPPY RCD W/APLN;	XXXXXXXXXX	STATUS CK+24	XXXXXX 931
4/18/2006	818. FLOPPY RCD W/APLN;	XXXXXXXXXX	STATUS CK+24	XXXXXX 931
4/18/2006	800. NATL PHASE OF PCT/JP03/06327 OF 052103; FEDX 121203 - FLOPPY;	XXXXXXXXXX	3-month Office Action 2 month extension	XXXXXX 104
4/18/2006	825. IPT 020306 - Amend okay;	XXXXXXXXXX	Power of attorney due to be filed	XXXXXX 13
4/18/2006	875.2 Country of Origin - JAPAN Last Update - 05-19-2004	XXXXXXXXXX	Expiry calculation 2	XXXXXX 366
4/18/2006	875.2 Country of Origin - JAPAN Last Update - 05-19-2004	XXXXXXXXXX	Expiry date	XXXXXX 366
4/18/2006	843. (JOINT ASSIGNEE) FLOPPY RCD W/APLN;	XXXXXXXXXX	3-month Office Action initial deadline	XXXXXX 194
4/18/2006	827. Convention Check	XXXXXXXXXX	Convention Check	

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4/18/2006	Extend per [redacted] 4/18/06	[redacted]	3 month Office Action initial deadline	22-418-02
Remarks	FLOPPY RCD W/APLN;			
4/18/2006	765:	[redacted]	Drawings Correction Due	548
Remarks	FLOPPY RCD W/APLN;			
4/18/2006	Amend + pet 3x by [redacted] on 4/18/06	[redacted]	3 month Office Action - 3 month extension - La 10/192159	22-418-02
Remarks				

See above

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